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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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08/939,185 09/29/97 GOLDSCHMIDT IKI J 042390.P4500

LM01/0407

EXAMINER

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| ART UNIT | PAPER NUMBER |
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2773

DATE MAILED:

04/07/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

| | |
|--|---------------------------------------|
| Application No. | Applicant(s) |
| 18/939185 Examiner <i>C. NOVAK</i> | GOLDSCHEIDER ET AL. Group Art Unit |
| | |

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

Responsive to communication(s) filed on 3/13/00

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 43 - 59 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 43 - 59 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). 14 Interview Summary, PTO-413

Notice of References Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

Office Action Summary

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DETAILED ACTION

Continued Prosecution Application

1. The request filed on March 13, 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/939,185 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

43 - 57,59 RB

3. Claims 43-59 are rejected under 35 U.S.C. 102(e) as being anticipated by Lopresti et al. (US Patent No. 5,889,506).

Regarding claim 43, Lopresti discloses a graphical user interface for presenting data associated with an entertainment program, textual data about the entertainment program (see col 4, lines 22-44), a first multimedia identifier corresponding to the entertainment program and selectable to deliver associated entertainment system data (see figures 2-3), the entertainment

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system data receivable from a plurality of sources in a plurality of source-specific multimedia data formats and stored in a first location in association with the first multimedia identifier according to a translated unitary data format (see col 5, lines 1-64).

Regarding claim 44, Lopresti discloses wherein the stored entertainment system data further comprises a plurality of traits wherein each trait includes an identifier portion to provide a generic description of the trait and a data portion to provide specific data related to the trait (see col 6, lines 1-52).

Regarding claims 45 and 46, Lopresti discloses wherein the entertainment system data includes radio station information and the first multimedia identifier is selectable multimedia identifier is selectable to deliver a critique of the entertainment program to be rendered responsive to deletion of the first multimedia identifier (see col 9, lines 10-61 and figures 12-16).

Regarding claims 47 and 48, Lopresti discloses a second multimedia identifier corresponding to a theme song of the entertainment program to be rendered responsive to selection of the second multi-media identifier (see col 10, lines 21-54).

As claim 49 differs from claim 1 in that “a storage medium having stored thereon a plurality of programming instruction to rendered a GUI fro presenting data associated with an entertainment program” which read on col 6, lines 18-52 and figure 5).

As claims 50-54 are analyzed as previously discussed with respect to claims 43-49 above.

Regarding claim 55, Lopresti discloses a data parse to receive plurality of entertainment, and to translate the entertainment system data into a unitary data format a data engine to receive

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the translated entertainment system data from the parser and stored the translated entertainment system data into a database; and a graphical query interface to access the entertainment system database (see col 12, lines 29-65 and figures 17-19).

As claims 56-57 and 59 are analyzed as previously discussed with respect to claims 43-49 and 58 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lopresti.

Regarding claim 58, Lopresti do not explicitly teach the data portion includes a uniform resource locator (URL) associated with data in a second location external to the database, but it would have been obvious that the system enhanced video graphical user interface or video user environment of Lopresti to provide an alternate from the Global network.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baker et al. (5,583,561) discloses the system distribute real-time, compressed, digital video data.

Response

7. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

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Inquires

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim, can be reached on (703) 305-3821. The fax number for this group is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

C. Nguyen

April 6, 2000



RAYMOND J. BAYERL
PRIMARY EXAMINER
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